

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAVID KEITH DESILVA,

Plaintiff,

v.

PAUL LORE,

Defendant.

3:12-cv-0318-LRH-WGC

ORDER

Plaintiff David Keith DeSilva (“DeSilva”) initiated the underlying action for a civil rights violation and for injunctive relief against defendant Paul Lore (“Lore”) in state court alleging that Lore attacked him at the Reno Veteran’s Administration medical facility. In response, Lore removed this action to federal court and filed a motion to dismiss arguing that the court lacked jurisdiction over this action pursuant to the derivative jurisdiction doctrine. *See* Doc. #5.

On October 30, 2012, the court denied the motion to dismiss finding that “dismissal would be a waste of judicial time and resources because this action is now before a court that can hear the merits of the complaint.” Doc. #11. However, the court also found that the complaint was wholly insufficient as DeSilva failed to identify any claim for relief or cause of action. *Id.* Therefore, the court granted DeSilva fifteen (15) days to file an amended complaint “that clearly identifies and sets out specific causes of action.” *Id.*

DeSilva has failed to file an amended complaint or otherwise comply with the court’s

1 October 30, 2012 order. *See* Doc. #12. As such, the court shall dismiss this action without
2 prejudice.

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4 IT IS THEREFORE ORDERED that this action, 3:12-cv-0318, is DISMISSED without
5 prejudice.

6 IT IS SO ORDERED.

7 DATED this 18th day of December, 2012.



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9 LARRY R. HICKS
UNITED STATES DISTRICT JUDGE